

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/965,889  
Attorney Docket No. Q66258

**REMARKS**

**I. Introduction**

Claims 18, 20-22 and 26-30 are canceled as being directed to a non-elected invention. Accordingly, claims 14-17, 19 and 23-25 are pending in the application. Pending claims 14-17, 19 and 23-25 have been examined and are rejected.

Specifically, claims 14-17, 19 and 23-25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,128,475 to Wicks et al. (hereinafter “Wicks”) in view of European Patent Publication No. 0602840 to Haas (hereinafter “Haas”) and U.S. Patent No. 5,987,336 to Sudo et al. (hereinafter “Sudo”). Additionally, claims 14-17, 19 and 23-25 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement and written description requirements.

By way of overview, claims 14 and 23 are amended to further clarify the features recited therein. The § 103(a) and § 112, first paragraph, rejections of claims 14-17, 19 and 23-25 are overcome as follows.

**II. Examiner Interview**

Applicant thanks the Examiner for initiating the telephone interview held on June 22, 2005<sup>1</sup>, in the above-identified application. During the interview, claim 14 (as an exemplary

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<sup>1</sup> The Interview Summary (*i.e.*, Form PTOL-413) incorrectly lists the interview date as June 22, 2003.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/965,889  
Attorney Docket No. Q66258

claim) was discussed, and agreement was reached on amendments to further clarify the features of the recited claims.

### **III. Claim Rejections – 35 U.S.C. § 112, First Paragraph**

As noted above, claims 14-17, 19 and 23-25 stand rejected under § 112, first paragraph, as allegedly failing to comply with the enablement and written description requirements.

Claims 14 and 23 are amended to further clarify the operation of the recited keys with respect to selecting an information item. Support for these amendments can be found, for example, in Figs. 4B-4E and the related disclosure. It is respectfully submitted that these amendments overcome the Examiner's § 112, first paragraph, rejections of claims 14-17, 19 and 23-25.

### **IV. Claim Rejections – 35 U.S.C. § 103(a)**

As noted above, claims 14-17, 19 and 23-25 stand rejected under § 103(a) as allegedly being unpatentable over Wicks in view of Haas and Sudo.

As amended, claim 14 recites, *inter alia*, “a selection key pad . . . comprising a first key, a second key, a third key and a fourth key.” Claim 14 also recites that “one of the [plurality of] information items is initially selected as a first information item.”

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/965,889  
Attorney Docket No. Q66258

In claim 14, “pressing the first key selects a second information item displayed in a row immediately preceding the row of the first information item as the first information item;” “pressing the second key selects a third information item displayed in a column immediately following the column of the first information item as the first information item;” “pressing the third key selects a fourth information item displayed in a row immediately following the row of the first information item as the first information item;” and “pressing the fourth key selects a fifth information item displayed in a column immediately preceding the column of the first information item as the first information item.”

Thus, claim 14 recites four different keys, wherein each key selects an information item displayed in a different location with respect to an initially selected first information item.

Wicks fails to disclose or suggest these features of claim 14. For example, Wicks fails to disclose or suggest the four keys of claim 14, wherein each key selects a different information item as the first information item, thereby replacing the initially selected first information item. Instead, Wicks merely discloses that a joystick or trackball can be used to move a cursor on a display (Wicks: col. 3, lines 54-58; and col. 4, lines 1-7). Indeed, the Examiner acknowledges that Wicks fails to even disclose any row/column arrangement of information items (Office Action: page 4).

Likewise, Haas and Sudo each fail to make up for these exemplary deficiencies of Wicks. Haas merely discloses that a plurality of switches can be used to directionally position a cursor on a computer, for example, over an icon displayed on a screen of the computer (Haas: col. 3,

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/965,889  
Attorney Docket No. Q66258

lines 7-31; and col. 4, lines 6-12). Thus, the switches of Haas do not select any information items, but instead merely move a cursor.

Sudo merely discloses that a jog dial can be rotated to move a cursor vertically (*i.e.*, upward or downward) to sequentially select an item (Sudo: col. 10, lines 11-21). The jog dial of Sudo does not select information items in rows and columns surrounding an initial information item, but instead requires sequentially moving through a list of items.

For at least the above exemplary reasons, it is respectfully submitted that claim 14 is not rendered obvious by the proposed combination of Wicks in view of Haas and Sudo. Consequently, claims 15-17, 19 and 23-25 are not rendered obvious by the proposed Wicks, Haas and Sudo combination, at least by virtue of their dependency.

## **V. Formal Matter**

The Examiner references Applicant's submission of the requirements for the joint research prior art exclusion under 35 U.S.C. § 103(c) on page 5 of the Office Action. It is respectfully submitted that no such submission was ever made in the present application. Accordingly, the Examiner is respectfully requested to clarify/correct his comments on the record.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/965,889  
Attorney Docket No. Q66258

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

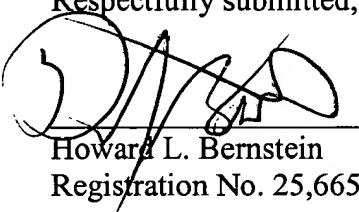
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